

**MINUTES OF THE
VINEYARD TOWN COUNCIL MEETING
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
November 9, 2011**

PRESENT:

Mayor Randy Farnworth
Councilmember Sean Fernandez
Councilmember Jeff Gillespie
Councilmember Norm Holdaway
Councilmember Nathan Riley

ABSENT:

Staff Present: Attorney David Church, Water Operator Sullivan Love, Engineer Don Overson, Town Clerk/Recorder Dan Wright, Deputy Recorder Debra Cullimore

Others Present: Jerry Grover, Stewart Park and Ed Grampp of Anderson Development.

The Vineyard Town Council held a Regular Meeting on Wednesday, November 9, 2011, beginning at 7:00 p.m. The invocation was offered by Jeff Gillespie.

Regular Session – The meeting was called to order at 7:05 p.m.

MINUTES REVIEW AND APPROVAL –

COUNCILMEMBER FERNANDEZ MOVED TO APPROVE THE MINUTES OF THE MEETING OF OCTOBER 26, 2011. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL - Planning Commission Liaison Norman Holdaway

No Planning Commission update was given.

STAFF REPORTS -

Planner, Jim Carter – Logan Simpson Design – Mr. Carter had not yet arrived at the meeting. No report was given.

Engineer, Don Overson – JUB Engineers – Mr. Overson reported that the Geneva Road construction project is halfway complete. The Council discussed logistical issues associated with the project. They also discussed street lighting repairs on Gammon Road.

Water Operator Technician – Sullivan Love – Mr. Love had no items to report.

Attorney – David Church – Mr. Church reported that an appraisal has been received for property which the Town may purchase to create a permanent right-of-way at 575 South. The property is currently owned by the LDS Church. The Council will consider an agreement for purchase of the property during the November 22, 2011 Regular Town Council Meeting.

Mayor Farnworth reported that he was approached by Mayor Jim Dain of Lindon at a recent Council of Governments meeting regarding law enforcement on Vineyard Road near Utah Lake. Lindon Police Department will be working cooperatively with the Utah County Sheriff's Office to increase patrols in the area in order to alleviate problems which have been reported by citizens in the area. Mr. Church suggested adoption of an Interlocal Agreement to provide liability protection for officers participating in any arrests outside of Lindon's jurisdiction. Mr. Church will follow up with the Lindon City attorney.

Mayor Farnworth congratulated Councilmember Fernandez and Councilmember Riley on their success being re-elected in the Municipal General Election.

Utah County Sheriff's Department – A representative of the Sheriff's Department was not present at the meeting.

BUSINESS ITEMS –

5.1 Discussion and Action: Impact Fees – Ordinance #2011-2 – *Town Attorney, David Church, will present proposed Impact Fees which were revised at the direction of the Town Council.*

Mr. Church explained that the item before the Council at this time is formal adoption of lower impact fees as presented by Town Engineer, Don Overson, during the October 26, 2011 Town Council meeting. He clarified that a Public Hearing process is not necessary for this action due to the fact that proposed fees are lower than those previously approved by the Council, and that no new fees are being implemented.

Mr. Church went on to explain that exhibits to the ordinance clarify fees in various areas of the Town based on specific future infrastructure needs in those areas. The ordinance also acknowledges that a significant portion of previous fee calculations is expected to be covered by either RDA funds or project improvements paid by private developers. He noted that the only fee which is charged consistently throughout the Town is the road transportation impact fee, which serves the entire community rather than a specific area.

Mr. Church observed that the proposed fees do not affect pass through fees which are charged for development. These fees include Timpanogos Special Service District, Orem Sewer Treatment, and Orem Water Rights fees. CUP fees which may be assessed in the future will also be pass through fees. Councilmember Fernandez requested that language be added to the ordinance which specifies that pass through fees are not part of the impact fee calculation, and are paid in addition to impact fees assessed by the Town. The Council agreed that it would be

appropriate to include language in the ordinance relative to pass through fees. Mr. Church will make final revisions to be reviewed by Mayor Farnworth before signing the ordinance.

Mr. Church explained that the Parks and Public Safety impact fees have been removed from the calculation. He noted that impact fee totals are calculated based on equivalent residential units. Mayor Farnworth noted that impact fee revenue which has been collected by the Town for development in the Homesteads area will be used to reimburse the developer as defined in the development agreement. Mr. Church clarified that infrastructure has not been installed in other new development areas outside the Homesteads. He noted that impact fee revenue can be used only to serve new growth, and the impact fees cannot be used to subsidize any existing deficiencies.

Councilmember Riley expressed concern that due to slow growth, revenue from impact fees may not be collected at a rate which will allow use of funds for infrastructure projects within the required six year time period from collection of the fees. Mr. Church agreed that if growth is slow, it may be difficult to accumulate sufficient revenue to complete necessary projects. If collected fees are not used within six years, the developer will be refunded.

Councilmember Riley expressed concern regarding the ability of the Town to have the ability to develop future parks and public safety facilities in the absence of those impact fees. The Council felt that consideration of development standards which would require dedication of park space in specific circumstances should be considered in lieu of the impact fee.

Ed Grampp of Anderson Development requested that the Council continue this discussion to a future meeting to allow him time to review proposed fees and the associated ordinance. He expressed concern that impact fees are not included for most infrastructure in the RDA area. He felt that a combination of RDA funds and impact fees would be appropriate in the RDA area to maximize available revenue to complete necessary infrastructure. Mr. Church explained to Mr. Grampp that infrastructure improvement in the RDA area are project improvement which will serve only that development with the exception of roadways and a sewer lift station, which have been included in impact fee calculations.

Mr. Grampp again requested that representatives of Anderson Development have an opportunity to meet with the Council prior to adoption of this ordinance. He suggested that fees for residential development be lowered as proposed, but that fees for commercial development remain higher. Stewart Park of Anderson Development asserted that it will take time for the tax increment in the RDA area to increase to the level which will allow further bonding. He felt that impact fees could be used to fund projects in the RDA area until further bonding is an option. Mr. Overson suggested that Anderson Development consider using reimbursement agreements if they choose to fund early improvements to attract developers. He noted that RDA infrastructure costs are included in the RDA budget, and that it would not be appropriate to charge impact fees in addition to RDA funds budgeted for that purpose.

Following further discussion, the Council felt that it would be appropriate to proceed with adoption of impact fee calculation as outlined in the ordinance. Councilmember Fernandez

explained to Mr. Grampp and Mr. Park that the Town is willing to discuss specific concerns as development occurs in the RDA area. Mayor Farnworth called for a motion.

COUNCILMEMBER FERNANDEZ MOVED TO APPROVE ORDINANCE # 2011-2 AMENDING THE AMOUNT OF THE IMPACT FEES ADDESSSED IN THE TOWN OF VINEYARD. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5.2 Discussion: Gammon Road – *The Council will discuss the possibility of creating a left hand turn from Gammon Road to Holdaway Road, including demolition and construction cost estimates.*

Town Engineer, Don Overson, stated that he reviewed the proposed road configuration including turning radius to ensure that a left hand turn lane could be constructed in compliance with required standard. He presented a cost estimate of \$3,860 to remove 100 lineal feet of curb, backfill the turn area with road base, and restripe the turn lane. Mr. Overson noted that it may be difficult to find contractors interested in this small project.

Councilmember Fernandez inquired as to the possibility of creating an access across the existing island rather than removing curb. Mr. Overson stated that creating a turn across the island is not an acceptable solution. He explained that road damage can occur and that some of the “bridge” material can be inadvertently removed during snow removal.

Councilmember Riley stated that he felt the cost seemed reasonable, but was unsure of the reason for creating the turn. Councilmember Gillespie explained that the proposed turn would create easier access to residential areas for school buses and allow access to the park from Gammon Road. He noted that Gammon Road is not wide enough to accommodate a u-turn for the school bus, which could create a safety concern as the bus makes four point turns in order to go from westbound to eastbound.

Mayor Farnworth observed that the Council previously voted for the current configuration. He suggested that the island be left in place until planned development in the area is underway to allow the Council to better assess long term needs. Mayor Farnworth noted that he has observed private vehicles driving on the wrong side of the road, which could be a significant safety concern. He suggested that the jersey barriers which were previously removed from the northbound travel lane be replaced, and the westbound travel lane be restriped to accommodate two-way traffic. Following further discussion, the Council felt that replacing the jersey barriers and restriping the north lane for two way traffic would be a reasonable solution. Mayor Farnworth called for a motion.

COUNCILEMBER GILLESPIE MOVED TO REPLACE THE JERSEY BARRIERS ON THE EASTBOUND LANE AT THE EAST END OF THE ISLAND ON GAMMON ROAD AND RESTRIPE THE WESTBOUND LANE TO ACCOMMODATE TWO WAY TRAFFIC PROVIDED THE COST DOES NOT EXCEED \$1,200. COUNCILMEMBER FERNANDEZ

SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5.3 Discussion: Geneva Gateway Subdivision. *Town Planner, Jim Carter, will present a briefing on the revised Geneva Gateway Subdivision application which consists of 22 acres located in the RMU Zone. The Council will review development standards, access plans and other information relative to the proposed development.*

Town Planner, Jim Carter, explained that recent changes to Utah State Law have removed the requirement for a Public Hearing associated with subdivision plat approval. He also explained that the RMU zone has existing development standards. He stated that Anderson Development submitted an application for this proposed development in August of 2010. The project was delayed and the application process suspended due to the Geneva Road construction project. Mr. Carter noted that this presentation is for informational purposes only and that the application will be reviewed by the Planning Commission and forwarded to the City Council for final action.

Mr. Carter went on to review revisions to the development configuration since the original application was submitted. He noted that two commercial lots fronting Geneva Road have been eliminated from the subdivision plat. Two additional commercial lots with Center Street frontage are included in the plat.

Mr. Carter reviewed standards for the zone which include a maximum density of 20 units per acre and a maximum height of three stories. The proposed subdivision is in compliance with standards for the zone. The development also includes common open space, and the site plan shows road connectivity in the area. He noted that site plans for the commercial lots are not included in this application. Site plans for the commercial lots will be reviewed and approved as those parcels develop.

Mr. Carter stated that the Planning Commission is scheduled to review the application on November 30, 2011. He stated that a condition of approval will be documentation of adequate Geneva Road access approval from UDOT. Mr. Carter noted that Town staff have reviewed the preliminary plat and have given the applicant feedback which will likely result in further modifications prior to Planning Commission review of the application.

Mr. Carter noted that the intent of the RMU zone is to attract residential as well as sales tax generating uses. He observed that this component of the zone may be a more intense residential use, but that the residential component could have the effect of attracting other commercial uses to the area. Stewart Park of Anderson Development noted that six acres in this zone are reserved specifically for commercial use.

The Council several specific issues regarding the proposed development, including exterior building materials, a sound wall between the parking area and the rail road tracks to minimize sound impact to the residential area, and the location of Central Utah Water Project easements.

OPEN SESSION – Citizen Comments

Mayor Farnworth called for comments from the audience. Ed Grampp of Anderson Development reported that he recently became aware of an opportunity to apply for grant funding through Brownfield Grants. He explained that grants of \$1,000,000 are available with a Town match of \$200,000. Mayor Farnworth stated that the Town does not currently have the required matching funds, and that the program does not appear to be a viable option for the Town at this time. Councilmember Fernandez encouraged Mr. Grampp to continue to pursue grant options, noting that this particular option is not possible to the required match.

COUNCILMEMBER'S REPORTS –

Councilmember Riley – Councilmember Riley reported that he and Mayor Farnworth met recently with Laura Lewis regarding a Parameters Resolution for consideration by the RDA Board following Town Council Meeting on November 22, 2011. Councilmember Riley and Mayor Farnworth will meet with representatives of Alpine School District on November 14, 2011 to discuss concerns regarding the RDA. Mayor Farnworth noted that it will be necessary to have a quorum of the RDA Board present on November 22 in order to take action on the resolution. All Councilmembers stated that they would be present at the meeting.

Councilmember Holdaway – Councilmember Holdaway had no items to report.

Councilmember Gillespie – Councilmember Gillespie had no items to report.

Councilmember Fernandez – Councilmember Fernandez reported that he has no new information regarding UTOPIA or Timpanogos Special Service District activities. He suggested that the Council move forward with consideration of purchasing I-Pads for use by the Town Council during the November 22, 2011 Regular Meeting.

MAYOR'S REPORT –

Mayor Farnworth had no items to report.

ADJOURNMENT –

The Regular Town Council Meeting was adjourned at 9:20 p.m. The next Regular Town Council meeting is scheduled for November 22, 2011.

MINUTES APPROVED ON – November 22, 2011

CERTIFIED CORRECT BY _____
DEBRA CULLIMORE, DEPUTY RECORDER